

Serial No. 09/853,731
Filed: May 11, 2001

REMARKS

With entry of this amendment, the status of the claims is as follows:

Claims 1-22, 36-37, 43-50, 56-58, 62-66, and 78-82 are canceled; and

Claims 23-35, 38-42, 51-55, 59-61, 67-77, and 83-89, as amended, are pending.

Claim 23 is amended to include rearrangement of at least one glycosylation site.
This amendment is supported by the specification, for example at [0046].

Claim 26 is amended to depend from claim 23 and to state "multiple" as opposed to "mulitpi" charged inorganic anion.

Claim 28 is amended to state "multiple" as opposed to "mulitpi" charged inorganic anion.

Claim 29 is amended to delete citrate.

Claim 34 is amended to delete reference to an arginine buffer.

Claim 38 is amended to depend from claim 26 instead of claim 36.

Claim 39 is amended to delete "the" and "product."

Claims 51, 67, 69, 71, 73, and 75 are amended to state "multiple" as opposed to "mulitpi" charged inorganic anion.

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These amendments are supported by the specification, including the examples and claims, and do not present new matter.

Reconsideration of this application, as amended, is respectfully requested.

Claim Objections

Claims 1, 3, 26, 28, 51, 67, 69, 71, 73 and 75 were objected to because of the use of "multipli" or "multiply" charged. Claims 1 and 3 are canceled. Claims 26, 28, 51, 67, 69, 71, 73 and 75 are corrected to state "multiple" as per the specification. This objection is thus believed to be overcome.

Double Patenting Rejections

Claims 1, 19, 26, 44 and 67-76 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over claims 1-16 of co-pending US Serial Number 10/014,363. Claims 1 and 19 are canceled. As to the remainder of the pending claims, for the reasons of record, applicant maintains that this objection is premature as there are no allowed claims in either case. In view of the Patent Office's statement on page 5 of the Office Action dated May 12, 2004, it is the applicant's understanding that this rejection will be dropped once all of the other outstanding issues in the instant case are addressed, and assuming that US Serial No. 10/014,363 does not become allowed in the meantime.

Claims 1-11, 13-17, 19, 23-36, 38-42, 44, 48-55, 59-61, 67-77 and 83-89 are provisionally rejected under obviousness-type double patenting in view of claims 1-59 of co-pending US Serial No. 10/780,297. Claims 1-11, 13-17 and 19 are canceled. US Serial No. 10/780,297 is a continuation of the instant application. Applicant request that

this rejection be held in abeyance until an indication of allowance of claims in either case.

Until there is such an indication of allowance, it cannot be ascertained whether in fact there is an overlap of claimed subject matter. As with the double patenting rejection over US Serial No. 10/014,363, applicant assumes that this rejection will be dropped once all of the other outstanding issues in the instant case are addressed, and assuming that US Serial No. 10/780,297 does not become allowed in the meantime.

The Section 112 Rejections

Claims 4-5, 9-10, 14-17 and 29-35 are rejected under 35 USC § 112, second paragraph, as being indefinite. Specifically, with respect to claims 4-5 and 29-33, the Examiner questions the use of citrate as a multiple charged inorganic acid. With respect to claims 9-10, and 34-35, the Examiner questions the reference to arginine as a buffer for pH 5.5-7.0. This rejection is overcome.

Claims 4-5, 9-10 and 14-17 are canceled. Claim 29 is amended to delete reference to citrate. Claim 34 is amended to delete reference to arginine/H₂SO₄/Na₂SO₄ as a buffer. These amendments are believed to overcome this rejection and withdrawal of the rejection is solicited.

The Section 102 Rejection

Claims 1-4, 6-9 and 11 are rejected under 35 USC § 102 (b) as being anticipated by EP 0909564 (Yamazaki). While applicant does not concur with the merit of this rejection, claims 1-4, 6-9 and 11 are canceled from the instant application and the subject matter of these claims will be pursued in the continuing application US Serial No. 10/780,297. This rejection is thus overcome.

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The Section 103 Rejection

Claims 1-4, 6-9, 11 and 13 are rejected under 35 USC § 103 (a) as being obvious over Yamazaki in view of WO 92/06116 (Rosen). Analogously, claims 1-4, 6-9, 11 and 13-17 are rejected under 35 USC § 103 (a) as being obvious over Yamazaki in view of Rosen and EP 0640619 (Elliot). While applicant does not concur with the merit of either of these rejections, claims 1-4, 6-9, 11 and 13-17 are canceled from the instant application and the subject matter of these claims will be pursued in the continuing application US Serial No. 10/780,297. These rejections are thus also overcome.


Conclusion

In view of the above amendments and remarks, applicant submits that, with the exception of the double-patenting rejection, all claim objections and rejections currently of record are overcome. As to the double-patenting rejection, there are no issued claims in either US Serial No. 10/014,363 or 10/780,297. As such, the double patenting rejection is not appropriately lodged in the instance case. Applicant submits that all pending claims are now in condition for allowance and solicits prompt allowance of these claims.

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The applicant believes that no fee is due with this communication. However, should the Patent Office determine that a fee is owed, or a credit is due to applicant, the Patent Office is hereby authorized to charge any required fees, including any extension of time and/or excess claim fees, or credit any overpayment, to applicant's Deposit Account 08-2525 as appropriate.

Respectfully submitted,



Attorney for Applicant(s)
Patricia S. Rocha-Tramaloni
(Reg. No. 31,054)
340 Kingsland Street
Nutley, New Jersey 07110
Telephone: (973) 235-2441
Telefax: (973) 235-2363

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